

1  
2  
3  
4  
5 IN THE UNITED STATES DISTRICT COURT  
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
7

8 RALPH INTERNATIONAL THOMAS,

No. C 93-0616 MHP

9 Petitioner,

10 v.

11 ROBERT L. AYERS, Acting Warden of  
12 California State Prison at San Quentin

13 Respondent.  
14 \_\_\_\_\_/


**ORDER ENLARGING TIME FOR  
FILING TRAVERSE AND OPPOSITION  
TO MOTION FOR PARTIAL  
JUDGMENT ON THE PLEADINGS  
REGARDING PROCEDURAL DEFAULT  
DEFENSE**

15 Good cause appearing, it is hereby ordered that the time for filing petitioner's Traverse and  
16 respondent's opposition to petitioner's Motion For Partial Judgment On The Pleadings Regarding  
17 Procedural Default Defense is extended to January 8, 2009. If petitioner elects to file a reply to the  
18 opposition to his Motion For Partial Judgment, he shall do so by January 22, 2009. The hearing  
19 currently set for January 12, 2009, at 2:00 p.m. is vacated. The Court shall reschedule a hearing if  
20 necessary.

21 Additionally, the Court directs the parties to submit a copy of the transcript of the deposition  
22 of James Burney Royster. This transcript was an exhibit at the evidentiary hearing in state court,  
23 where it was used in lieu of Royster's live testimony. It does not however, appear to be part of the  
24 record filed in this Court.

25 IT IS SO ORDERED.

26 DATED: 12/18/2008

27   
28 \_\_\_\_\_  
Marilyn Hall Patel  
United States District Judge